

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Durham Division

THOMAS H. KRAKAUER, on
behalf of a class of CASE NO: 14-CV-333
persons,

Plaintiff,

vs.

DISH NETWORK, LLC,
Defendant.

Deposition of Thomas H. Krakauer

(Taken by the Defendant)

October 14, 2014

At 11:07 p.m.

Reported by LeShaunda Cass-Byrd, CSR, RPR

TSG Job No: 84822

1 APPEARANCES OF COUNSEL:

2 On behalf of Plaintiff:

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4 Natick, Massachusetts 01760

BY: Matthew McCue

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7 On behalf of Defendant:

8 Benesch, Friedlander, Coplan & Aronoff

200 Public Square

9 Cleveland, Ohio 44114

BY: Eric Larson Zalud

1 Thomas H. Krakauer

2 (Off the record).

3 BY MR. ZALUD:

4 Q. Go ahead, Doctor. What were you going to
5 say?

6 A. So I think the answer is still no, I do not
7 have any additional materials or information that I
8 have provided to my attorneys other than what you have
9 as the attachments to the interrogatories.

10 Q. How about e-mails? Do you have any
11 e-mails, electronic or hard copy, that relate to the
12 phone calls at issue in this case?

13 MR. MCCUE: That are not
14 attorney/client privilege.

15 BY MR. ZALUD:

16 Q. Other than e-mails to or from your lawyers.

17 A. None.

18 Q. You don't recall sending or receiving any
19 e-mails to anyone other than your lawyers relating to
20 these phone calls that are at issue in this case?

21 A. No.

22 Q. And what -- what phone call or phone calls
23 do you believe are at issue in this case, to make sure
24 we are talking about the same thing?

25 A. There have been numerous phone calls that I

1 Thomas H. Krakauer

2 have received beginning in May of 2009 that began with
3 the same wording and ending with a phone call in
4 November -- I mean, September of 2011 that I believe
5 relate to this case, because of the way they began
6 with the identical wording. And that wording was: I
7 see that you have been a long time supporter or
8 customer or --

9 Q. Subscriber or customer?

10 A. Subscriber of Direct TV and I think I can
11 save you some money. And since from that first call,
12 all of the other phone calls that I either answered or
13 had on my voicemail started with the -- with the same
14 wording.

15 Q. So those are the calls we're talking about?

16 A. That is correct.

17 Q. You do not have a landline anymore at your
18 residence?

19 A. Do not. No, sir, I do not.

20 Q. Only your cell phone. And when did you
21 eliminate your landline?

22 A. Approximately, January of 2013.

23 Q. Do you recall the phone number of your
24 landline before you eliminated it?

25 A. 91 -- it is 919-471-9459.

1 Thomas H. Krakauer

2 would indicate that he was not.

3 Q. And you don't remember if you told Ken not
4 to call you back again, right?

5 A. I did not.

6 Q. All right. This call -- you didn't record
7 this call?

8 A. I did not.

9 MR. ZALUD: Give me a minute because
10 I'm busy making things shorter.

11 BY MR. ZALUD:

12 Q. So do you -- do you feel like you got
13 results from the actions that you took from calling
14 Direct TV and Dish TV? Did the problem go away?

15 A. Would you please specify what you mean by
16 problem? I have continued to get phone calls with the
17 same beginning, you know, I see you have been a
18 long-time client of Direct TV and I can save you some
19 money. I have continued to, you know, receive those
20 calls until September of 2011. Has anybody been able
21 to break into my Direct TV account? The answer is no.

22 Q. Do you have any theory or knowledge of why
23 the calls stopped when they did?

24 A. You mean in 2011?

25 Q. Yes.

1 Thomas H. Krakauer

2 BY MR. ZALUD:

3 Q. Let me -- do you believe these calls listed
4 on this sheet represent some of the calls that you
5 have been complaining about?

6 A. Yes, sir.

7 Q. And do you know of any other records that
8 would exist that would show any other calls about what
9 you have been complaining?

10 A. No, sir, other than my memory.

11 Q. All right. Okay. How about since you
12 filed this lawsuit, any contact with Dish Network at
13 all?

14 A. No, sir.

15 Q. Any contact -- well, I mean, you still have
16 contact with Direct TV. You get your bill every month
17 and pay it?

18 A. Yes. Yes, sir. My only relationship with
19 Direct TV is in the context of me being a Direct TV
20 subscriber having nothing to do with the TCPA suit or
21 the events that took place on May 9th.

22 Q. All right. Just your standard relationship
23 as a Direct TV customer?

24 A. Right. That is correct.

25 Q. So you mentioned a couple of times the

1 Thomas H. Krakauer

2 do-not-call list?

3 A. Yes, sir.

4 Q. And tell me what you mean by that.

5 A. As part of TCPA, that established the
6 federal do-not-call registry, which I first registered
7 my phone number in -- on July 3rd of 2003. It was
8 enforced continuously thereafter, and I reregistered
9 that same phone number on April 9th, 2014.

10 Q. Let's -- let me show you an exhibit.

11 (Defendant's Exhibit 5 was marked for
12 identification.)

13 BY MR. ZALUD:

14 Q. So Mr. Krakauer, this is Exhibit 5. And as
15 you can see, it was produced to us in this lawsuit.
16 You see that Bates number at the bottom, and it was
17 one of the exhibits to your other deposition. So I
18 wasn't trying to stump you, but take a look at that
19 and tell me what that is and what that reflects.

20 A. Column 1 is my area code, Column 2 is my
21 landline at the time, Column 3 is the date, and Column
22 4 is that I registered that number and I did it via
23 the web. If you go down to the next row, the columns
24 are the same indicating that I again registered the
25 same phone number on the web.